

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS HEALTH
AND WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

PACIFIC COAST IRON, INC., et al.,

Defendants.

Case No. [3:23-cv-05140-JD](#)

**ORDER RE REPORT AND
RECOMMENDATION**

In this ERISA action, Magistrate Judge Joseph C. Spero filed a report recommending that plaintiffs' motion for default judgment, Dkt. No. 13, be granted in part and denied in part. Dkt. No. 28. No objections have been filed in response to this report, and the time to file objections has expired. *See* Fed. R. Civ. P. 72(b). Defendants have failed to appear in this action.

The report concludes that defendant Pacific Coast Iron, Inc. was required to make timely fringe benefit contributions to plaintiff funds under collective bargaining and trust agreements, which it did not do. Under Federal Rule of Civil Procedure 55(b)(2) and the factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), default judgment is warranted in favor of plaintiffs as to Pacific Coast Iron. Plaintiffs did not establish that Adam Murray is individually liable.

After an independent review, the Court adopts the report and recommendation. Default judgment is denied with respect to Murray. For Pacific Coast Iron, plaintiffs are awarded an amount of \$40,963.23 in damages, which includes \$11,821.10 in unpaid contributions, \$18,257.64 in liquidated damages, \$727.02 interest on late unpaid contributions, \$9,408.50 in fees, and \$748.97 in costs.

IT IS SO ORDERED.

Dated: August 9, 2024



JAMES DONATO
United States District Judge